



The Educational  
Institute of Scotland

Mr Stephen McCabe  
Inverclyde Council  
Municipal Buildings  
Greenock  
PA15 1LY

Ref: LF/KN/COSLA 051118  
05 November 2018

Dear Mr McCabe

### **Joint Scottish Government COSLA letter to teachers**

I am instructed by the Salaries Committee of the Educational Institute of Scotland to write to your Local Authority to express our complete opposition to the issuing of the above letter to teachers, at the time of our internal consultation on the self-declared "final" pay offer from COSLA regarding the 2018 teacher pay claim.

At the time of writing, the situation across all 32 Local Authorities is unclear as some have already decided not to issue the letter, some have done so already, and others are still debating the matter. Apologies, therefore, for the universal nature of this letter but as the matter is urgent it ensures that all Councils are at least aware of our position.

The main reason for our objection is that the EIS views the letter as an unwarranted intrusion in the internal consultation process of our union, one which shows a shocking disregard to the right of your employees to exercise their choice to be a member of a trade union and to participate freely in the associated activities and democratic processes of such a body. The EIS is clear that to interfere with an open ballot breaches the spirit and principles of partnership working that underpins collective bargaining.

COSLA, like Scottish Government, declares a commitment to the principles and values of the Fair Work Convention. How it reconciles that position with the action over this letter is beyond the EIS. The letter reveals that COSLA and the Scottish Government are seeking to undermine the trade unions' agency of being the 'voice' of workers. If the Fair Work Framework is to be deeply embedded in Scottish workplaces, then the Scottish Government and COSLA must to lead by example.



The claim that the letter is simply a technical and informative communication is a false one. The letter clearly contains argument and indeed reference to external bargaining groups, designed to influence voting.

As it happens, I doubt that the letter will have any influence on voting as the scale of rejection seems clear to us already. However, it may help you understand the basis of our objection if I reference previous ballots we have conducted where the issue has been more contested. In those scenarios we have often seen vigorous debate within the Institute about the best way forward – that is a democratic internal process which we are entitled to engage in. What right has the employer to intervene in such a debate? None; is the answer as far as we are concerned.

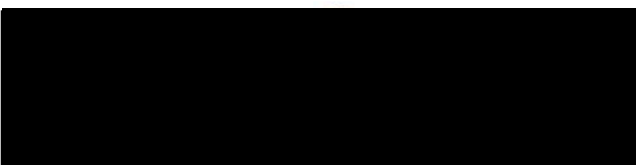
A further matter is that those Councils which have issued the letter already have done so through the use of internal email addresses. As the purpose of this communication is to influence thinking in relation to a trade union ballot, there is a case to be answered, we believe, with regard to data protection legislation; the EIS is taking legal advice on this matter.

The EIS also objects strongly to narrative from COSLA and Scottish Government that the issuing of the letter is required to ensure that the detail of the offer is made clear to teachers. As both COSLA and Scottish Government are aware, the COSLA letter which sets out the terms of the offer has been issued in full to every EIS member entitled to vote in the ballot. This is the only formal communication which the EIS has received – what more could be done than for us to issue it to everyone?

As to the claim that the letter to teachers helps clarify the offer, I simply refer you to the fact that the proposed transition arrangements for migrating from the current main grade scale to the proposed new scale are singularly missing from the letter.

This type of behaviour and bad faith is unfortunately all too common in the private sector; we would have expected a higher standard from COSLA.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Larry Flanagan  
General Secretary